

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONY KOLE, *et al.*,

Plaintiffs,

v.

VILLAGE OF NORRIDGE,

Defendant.

No. 11-CV-03871

Hon. Judge Thomas M. Durkin
U.S. District Judge

Hon. Morton Denlow
U.S. Magistrate Judge

DEFENDANT'S MOTION TO COMPEL

NOW COMES Defendant, Village of Norridge, by its counsel, and moves this Court to compel the plaintiffs to comply with outstanding discovery requests, and in support of that motion states the following:

1. On September 25, 2015, the defendant served on the plaintiffs written discovery to be answered within 30 days, pursuant to Rule 33 of the Federal Rules of Civil Procedure. (Attached as Exhibit A is a copy of those requests.)

2. Defendant also served on the plaintiff, Tony Kole, a Notice to take his deposition on October 29, 2015.

3. On October 27, 2015, defendant's counsel called plaintiff's counsel, David Sigale, to discuss the outstanding discovery and the plaintiff's scheduled deposition. Counsel only received Mr. Sigale's voicemail, and left a message.

4. That same day, defendant's counsel sent Mr. Sigale an email requesting compliance with outstanding discovery, and direction on whether the plaintiff was going to appear for his deposition on October 29, 2015. (A copy of the email is attached as Exhibit B).

5. The following day Mr. Sigale called defendant's office and spoke to defendant's counsel's assistant, and stated that he was not going to produce the plaintiff Kole for his deposition on October 29th, and that he (Mr. Sigale) would call defendant's counsel soon to discuss completion of discovery. Mr. Sigale has not called defendant's counsel to discuss the discovery compliance.

6. On November 2, 2015, counsel for defendant called Mr. Sigale's office, and left a message on his voicemail. Counsel stated that he was calling pursuant to Rule 37 of the Federal Rules of Civil Procedure, and that discovery needed to be completed quickly because this Court ordered discovery closed on November 30, 2015. As of the filing of this Motion, defendant's counsel has not heard back from plaintiffs.

WHEREFORE, the Defendant, VILLAGE OF NORRIDGE, prays that this Court compel the Plaintiffs to answer outstanding written discovery, and for Plaintiff Tony Kole to appear for his deposition, on a date certain.

VILLAGE OF NORRIDGE

/s/ Thomas G. DiCianni
One of its Attorneys

Thomas G. DiCianni / ARDC #03127041

tdicianni@ancelglink.com

Brent O. Denzin / ARDC #6294953

bdenzin@ancelglink.com

Daniel J. Bolin / ARDC #6295932

dbolin@ancelglink.com

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHFER, P.C.

Attorney for Defendant

140 South Dearborn Street, 6th Floor

Chicago, Illinois 60603

(312) 782-7606

(312) 782-0943 Fax

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2015, I electronically filed the foregoing **MOTION TO COMPEL** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

David G. Sigale
Law Firm of David G Sigale, P.C.
799 Roosevelt Road, Suite 207
Glen Ellyn, IL 60137
dsigale@sigalelaw.com

/s/ Thomas G. DiCianni

THOMAS G. DiCIANNI / ARDC #03127041
One of the attorneys for Defendant, Village of
Norridge

ANCEL, GLINK, DIAMOND, BUSH,
DICIANNI & KRAFTHEFER, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
Telephone: (312) 782-7606
Facsimile: (312) 782-0943
E-Mail: tdicianni@ancelglink.com